

# PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hallahan *et al.*

Group Art Unit: 1614

Serial No.: 10/523,948

Examiner: Gembah, Shirley V.

Filed: October 17, 2005

Docket No.: 1242/57 PCT/US

For: PI3K ANTAGONISTS AS RADIOSENSITIZERS

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### RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is responsive to the Restriction/Election Requirement dated December 12, 2007, having an extended term for Response that expires on March 12, 2008. The Commissioner is hereby authorized to charge Deposit Account Number 50-0426 in the amount of \$230.00 to cover the small entity extension fee. Favorable consideration is respectfully requested in view of the following Election and Remarks.

### RESTRICTION PRESENTED

The United States Patent and Trademark Office (hereinafter "the Patent Office") has restricted the claims into the following groups of inventions:

Groups	Claims	Subject Matter
I	1-17	drawn to methods for increasing the radiosensitivity of a target tissue in a subject comprising administering a PI3K antagonist;
II	18-31	drawn to methods for suppressing tumor growth administering a PI3K and treating the tumor with ionizing radiation;

III            32-46       drawn to methods for inhibiting tumor blood vessel growth  
                                 comprising administering a PI3K antagonist and treating the  
                                 tumor with ionizing radiation

Additionally, the Patent Office has presented a species election as follows: a PI3K antagonist such as SU6668, SU11248, Genistein, or LY294002 as in, for example claims 12 and 15-17.

#### APPLICANTS' ELECTION

Applicants hereby elect the invention of Group I, claims 1-17, drawn to drawn to methods for increasing the radiosensitivity of a target tissue in a subject comprising administering a PI3K antagonist, for prosecution at this time.

To complete the election of Group I, applicants elect the following species of PI3K antagonist: LY294002, upon which to initiate the search.

#### REMARKS

Claims 1-46 are now pending in the subject U.S. patent application. Claims 1-46 as filed have been subjected to a Restriction/Election Requirement.

In response to the Restriction/Election Requirement, applicants have elected the claims of Group I, claims 1-17, for prosecution at this time. Applicants have also elected the following species of PI3K antagonist: LY294002, upon which to initiate the search.

Applicants hereby reserve the right to file one or more divisional patent applications directed to the unelected subject matter.

Applicants respectfully submit that the election of the above-mentioned representative species does not place an undue burden on the Examiner to perform a complete search of the defined areas. The present species elections are made without traverse to the extent that it is understood that, upon the finding of an allowable species, examination will continue until all species have been examined, or a non-allowable species is found, all in accordance with the procedures set forth in the Manual of Patent Examining Procedure § 803.02. For example, upon search of additional species by the

Examiner, the species represented by other PI3K antagonists including, but not limited to those recited in claims 14-17, can each be considered without presenting an undue search burden.

CONCLUSIONS

Should there be any minor issues outstanding in this matter, the Examiner is respectfully requested to telephone the undersigned attorney. Early passage of the subject application to issue is earnestly solicited.

Deposit Account

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account Number 50-0426.

Respectfully submitted,

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Date: March 12, 2008

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